

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Slovakia

Table of contents

I. GENERAL INFORMATION	3
Table 1 - Market data	3
Table 2 - Audiovisual laws and regulatory bodies	3
Table 3 - Regulatory bodies – general information	4
Table 4 - Sectors covered	4
Table 5 - Staff and overall budget	5
II. INSTITUTIONAL FRAMEWORK	5
Table 6 - Legislation establishing and governing the regulatory body	5
Table 7 - Legal status	6
Table 8 - Independence as a value	6
III. POWERS OF THE REGULATORY BODIES	7
Table 9 - Regulatory powers	7
Table 10 - Supervision and monitoring power	8
Table 11 - Powers of sanctions	9
Table 12 - De facto use of formally granted competences and monitoring powers	11
Table 13 - De facto use of formally granted sanction powers	11
Table 14 - Complaints handling	12
IV. INTERNAL ORGANISATION AND STAFFING	12
Table 15 - Highest decision-making organ – composition	12
Table 16 - Highest decision-making organ – competences and decision-making process and transparency	13
Table 17 - Highest decision-making organ – appointment process	13
Table 18 - Term of office and renewal	14
Table 19 - Professional expertise/qualifications	15
Table 20 - Rules to guard against conflicts of interest – Appointment process	15
Table 21 - Rules to guard against conflicts of interest – during term of office	16
Table 22 - Rules to guard against conflicts of interest – after term of office	17
Table 23 - Rules to protect against dismissal	17
Table 24 - Dismissal before term	18
V. FINANCIAL RESOURCES	19
Table 25 - Sources of income	19
Table 26 - Annual budget	20
Table 27 - Financial accountability – auditing	20
VI. CHECKS AND BALANCES	21
Table 28 - Formal accountability	21
Table 29 - Reporting obligation	23
Table 30 - Auditing of work undertaken	24
Table 31 - Power to overturn/instruct	24
Table 32 - Number of stages in appeal procedure	25
Table 33 - Does the regulator’s decision stand pending appeal?	26
Table 34 - Accepted grounds for appeal	27
Table 35 - Does the appeal body have power to replace the original decision with its own?	27
VII. PROCEDURAL LEGITIMACY	27
Table 36 - External advice regarding regulatory matters	27
Table 37 - Public consultations	28
Table 38 - Public consultations – figures	28
Table 39 - Publication of regulator’s decisions	29
VIII. COOPERATION	29
Table 40 - Cooperation with other regulatory authorities	29
Table 41 - International cooperation	30

I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Slovakia	72	0	6

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Slovakia	Information requirements (art. 5 AVMS Directive)	Act 308/2000 as amended by Act 498/2009 www.rada-rtv.sk/sk/spravy/?aktualitaId=942	The Council for Broadcasting and Retransmission is responsible for all areas and for all types of services.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			
	Broadcasting of major events (Art. 14 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			
	Access to short news reports (Article 15 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			
	Promotion of European works (Art. 13, 16, 17)	Act 308/2000 as amended by Act 498/2009			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			
	Protection of minors (Art. 27 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			
	Right of reply (Art. 28 AVMS Directive)	There is only right to correction, § 21			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Act 308/2000 as amended by Act 498/2009			

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Slovakia	Council for Broadcasting and Retransmission	www.rada-rtv.sk	1992	Bratislava

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Slovakia	Council for Broadcasting and Retransmission	Yes	Yes	Yes	All services	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Slovakia	Council for Broadcasting and Retransmission	Specified in organizational order approved by the Council	37	Not specified	€1m	2008, Appendix 2 to the Yearly Report, www.rada-rtv.sk/_cms/data/modules/download/1248177293_priloha_2.pdf

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Slovakia	Council for Broadcasting and Retransmission	Initially it was Act No. 294/1992, then Act No. 160/1997 Z.z. On Council of Slovak Republic for radio and television broadcasting, finally transformed into Act No. 308/2000, including changing the name of the regulatory body to Council for Broadcasting and Retransmission www.rada-rtv.sk/sk/spravny/index.php?kategoried=192&rozbalitClanky=238#clanky_238	Act No. 308/2000 as amended by Acts No.147/2001 Z.z., 206/2002 Z.z., 289/2005 Z.z., 95/2006 Z.z., 121/2006 Z.z., 13/2007 Z.z., 220/2007 Z.z., 654/2007 Z.z., 343/2007 Z.z., 167/2008 Z.z., 287/2008 Z.z., 516/2008 Z.z., 77/2009 Z.z., 318/2009 Z.z., 498/2009 Z.z. and Act No. 498/2009 www.rada-rtv.sk/sk/spravny/index.php?kategoried=192&rozbalitClanky=238#clanky_238

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Slovakia	Council for Broadcasting and Retransmission	Separate Independent legal entity It has the status of a state administration authority with nation- wide competences	Yes			§§ 4 and 13 Act No. 308/2000 as amended

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Slovakia	Council for Broadcasting and Retransmission		✓ <ul style="list-style-type: none"> Legal status: The Status of the Council explicitly mentions in its article 3 that the Council is “independent organ”, but it as well as the Act also defines the Council as “nation-wide organ of state administration” Mission: “The objective of a Council shall be to enforce the interests of the public in...” Financial independence: The Council works with its own budget according to special regulation and its activity is refunded from the 	§§ 4, 7, 12 Act No. 308/2000 as amended The Status of the Council

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
			state budget.	

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Slovakia	Council for Broadcasting and Retransmission	Tick boxes	No	√	√
		Areas		<ul style="list-style-type: none"> • Participating in the creation of laws and other generally binding legislation in the area of broadcasting, AVMS and retransmission • Giving opinion on proposals to sign international treaties in the area of broadcasting, AVMS, and retransmission, on their fulfilment, on proposing signing international treaties, international conventions and other international legal acts or accession to them • Elaborating a list of significant events in collaboration with the Ministry of Culture and the Ministry of Education, the right holders and the broadcasters. • Supervision of the fulfilment of duties according to this law and special regulations • Imposing sanctions on a broadcaster, operator of retransmission, providers of AVMS on 	<ul style="list-style-type: none"> • Deciding on the licences for broadcasting • Registrations of the retransmissions for broadcasting • Deciding on the suspension of retransmission of a programme service • Deciding on granting further frequencies to public service broadcasters • Beginning proceedings on granting licences for terrestrial broadcasting • Granting agreement to a public service broadcaster on broadcasting by satellite • Deciding on programme types and determining categorisation of communicates into programme type or supplemental broadcasting selected by the broadcaster • Issuing warnings to the Council of Slovak

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
				<p>demand and on those who broadcast or operate retransmission without authorization</p> <ul style="list-style-type: none"> • Determining time periods for the regulation of legal relations of broadcasters • Keeping a record of requests for granting licence for broadcasting, including AVMS and IPTV, or registration of retransmission, of granted licences, or registrations of retransmission, including their change • Right to demand from broadcasters archival recordings • dealing with complains with respect to possibly breaking the law • Supervision of the compliance with the European Convention on Transfrontier Television • Cooperation with the Telecommunication Office in the area of utilisation of frequencies for broadcasting 	<p>Television and Radio Council on the infringement of duties of public service broadcasters under this law</p> <p>Cooperation with the Ministry of Culture to solve international dispute in the area of broadcasting</p>
		Source		Act 308/2000 as amended by Act 498/2009	Act 308/2000 with 15 amendments, §§ 4 and 5

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Slovakia	Council for Broadcasting and Retransmission	Quotas	√ § 5 k,l and § 16, Quotas for European production and European independent production in television and on demand services, and monitoring of various programmes and types of programmes, on monthly basis, § 16, sec. 3 letter m	√ Only in general terms, § 5	√ § 5 k,l and § 16 l, m and § 27, 27a	√		§§ 5, 16, 22-26, 27, 27a (Act 320/2000)
		Advertising	√ § 5g	√ § 5g	√ § 5 and § 16 l, m	√ § 5	√ § 5	§§ 5, 16 (§ 32-37a) Act 320/2000
		Protection of minors (it created about a quarter of all complaints in 2009 and 14 % in 2008) Source: www.tasr.sk/4/6997.axd	√ § 5g	√ § 5g	√ § 5 and § 16 l, m	√ § 5	√ § 5	§§ 5, 16 (§ 20) Act 320/2000

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Slovakia	Council for Broadcasting and Retransmission	Quotas	√	√ The fines are automatic if the offence is committed repeatedly, or if the broadcaster has not complied with an earlier decision. The fines range between €165 and €6,638 for TV broadcasters and between €30 and €1,200 for IPTV providers.	No	No	√ TV from €3,319 to 165,969 IPTV from €30 to €60,000	No other sanctions are foreseen. Fines are automatic for breach of certain types of rules such as human dignity, minors, etc § 19 but they are optional in other cases. However, interestingly, on demand audiovisual media service providers are excluded from these automatic sanctions (i.e. this means that warnings must be issued first).
		Advertising	√	√ The fines are automatic if the offence is committed repeatedly, or if the broadcaster has not complied with an earlier decision. From €3,319 to €165,969 for TV broadcasters and between €100-20,000 for IPTV providers 100-10,000 AVMS (automatic)	No	No		
		Protection of minors	√	√ The fines are automatic if the offence is	√ discretionary IPTV AVMS	√ Automatic temporary suspension of the programme or its part for		

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
				committed repeatedly, or if the broadcaster has not complied with an earlier decision. From €663 to 66,387 for TV broadcasters and from €100-20,000/annum €500-40,000/annum		maximum 30 days, including IPTV and in the case of AVMS in the case of particular programme		

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Slovakia	Council for Broadcasting and Retransmission	√	√	√	√	√	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Slovakia	Council for Broadcasting and Retransmission	√	√	√	√	√

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Slovakia	Council for Broadcasting and Retransmission	<p>Yes</p> <p>Complaints must be addressed in writing, including by email</p> <p>They must contain sufficient elements to identify the programme and the rule that is alleged to be breached. The council is not obliged to investigate anonymous complaints.</p> <p>The Council must decide on the next steps within 90 days, and if it seems likely that the law could have been broken, the Council starts legal proceedings.</p> <p>The results are sent to complainant. However, if the Council does not see reasons for further legal procedures, it stops the case and notifies the complainant about this fact.</p>	§ 14a, Act 308/2000, specifies in detail how to handle all complaints related to possible breaking of this law.

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Slovakia	Council for Broadcasting and Retransmission	Board	9							<p>1) political nominees, mainly from governing parties</p> <p>2) lawyers,</p>	<p>Media reports</p> <p>Yearly Reports of</p>

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
										journalists, economists, others	the Council

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Slovakia	Council for Broadcasting and Retransmission	<ul style="list-style-type: none"> Granting licences for radio or television broadcasting Deciding about registration of retransmission Controlling compliance of duties (according to the act no. 308/2000 Z.z.) Dealing with complaints. Procedures are approved by the Parliamentary Committee and the Speaker of the Parliament.	The presence quorum is 7 members of council (+ one of them must be the one of the chairman or vice-chairman) Minimum 5 votes are necessary for adopting a decision.	The meetings of the Council are not public. The decisions are published on Councils website.	Yes

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Slovakia	Council for Broadcasting and Retransmission	Chairman	No	(self) Selected among members	Board members	n/a	Act No. 308/ 2000
		Board members	Yes	Political party, civil representative nominated by community of interest, expert in the area. The appropriate committee of parliament formally approves the list.	Parliament	Yes	Act No. 308/ 2000

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Slovakia	Council for Broadcasting and	Chairman of the board	6 years	Yes, the Council is renewed by	Yes, once	Act No. 308/ 2000

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
	Retransmission			one-third every two years.		
		Board members	6 years or less	Yes, the Council is renewed by one-third every two years.	Yes, once	Act No. 308/ 2000

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Slovakia	Council for Broadcasting and Retransmission	Chairman of the board	No		Act No. 308/ 2000
		Board members	No		Act No. 308/ 2000
		Director of the Office	Not specifically for this Office, but according to Law on Public Servants	No	Law on Public Servants

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Slovakia	Council for Broadcasting and Retransmission	Chairman	Yes		Yes Candidate board members cannot be members of the government or of the public administration, but there are no rules to prevent a board member from being a member of a political party	Yes Candidate board members cannot be members of the national assembly	Yes Candidate board members cannot be members of the Slovak Television Council or of the Radio Council and they cannot have an interest in another broadcaster, or any other company that it the council regulates, including in the press.	No	Clean criminal record	§ 7 Act 308/2000
		Board members	Yes		Same as above	Same as above	Same as above	Same as above	Same as above	§ 7 Act 308/2000
		Senior staff		No						

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Slovakia	Council for Broadcasting and Retransmission	Chairman			Yes	Yes	Yes	§ 7 Act 308/2000
		Board members	Yes		Yes	Yes	Yes	
		Senior staff		No				

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Slovakia	Council for Broadcasting and Retransmission	Chairman		No		Act 308/2000
		Board members		No		Act 308/2000
		Senior Staff		No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Slovakia	Council for Broadcasting and Retransmission	Chairman	ΨΕσ		Parliament	Yes The member of board: <ul style="list-style-type: none"> is no more qualified for the function legally receive sentence for voluntary crime the court limited or ablated his legal capacity doesn't administer his function for more than 6 months administers his function contrary to statute of the board. 	Only individual members	§ 9 ACT308/2000
		Individual board members	Yes		The chair can give proposal to the Speaker of the Parliament, Parliament decides	Yes, same grounds as above.		§ 9 ACT308/2000

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Slovakia	Council for Broadcasting and Retransmission	2005-2009	Chairman		No		
			Individual board members		No		

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Slovakia	Council for Broadcasting and Retransmission	No	100% state funding (licence fee does not fund the regulator)	No	No	No	No	§12, Act 308/2000

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Slovakia	Council for Broadcasting and Retransmission	The Council presents to the Ministry of Finance its budget proposal for the following year together with its justification in accordance with special regulation. The Council budget is approved by the National Council after previous discussion in the designated committee.	Yes	The ministry of finance, Parliamentary Committee and finally Parliament	Not known	12 ACT308/2000

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Slovakia	Council for Broadcasting and Retransmission	Yes	The budget of the council is approved every year. The Supreme Audit Office can randomly make checks.	Yes Supreme Audit Bureau	No	Yes Parliament, Ministry of Finance	§ 5, sec3, letter d ACT308/2000

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Slovakia	Council for Broadcasting and Retransmission	Parliament	Yes	information about its activities and on situation in broadcasting, budgetary issues, Status, Organizational Order rada požiada,	§ 5 ACT308/2000
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Ministry of Finance, The Council shall present to the Ministry of Finance its budget proposal for the following year and final budget report together with its justification in accordance with special regulation.	§ 13 ACT308/2000
		Public at large	Yes	to enforce the interests of the public in the exercise of the rights to information and freedom of speech, and rights of access to cultural values and education	§ 4, ACT308/2000
		European Commission	Yes	To report regularly fulfilment of specific duties by broadcasters and providers of AVMS, and cooperate with the Commission To submit for approval list of important events To report share of European works and independent productions in TV, at least every two years. At least every four years in case of AVMS sends information about European works.	§ 5 and 6 ACT308/2000
		Ministry of Culture	Yes	To provide analysis of advertising in programmes for children up to 12 years, and to provide data on media literacy. To report share of European works and independent productions in TV, at least every two years. At least every four years in case of AVMS sends information	§ 5 ACT308/2000

Country	Body	Body accountable to		Accountability means	Legal basis
				about European works.	
		Ministry of Education	Yes	To provide data on media literacy	§ 5 ACT308/2000
		Ministry of Culture	Yes	To provide data on media literacy and data on advertising in programmes for children up to 12 years	§ 5 ACT308/2000

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Slovakia	Council for Broadcasting and Retransmission	Parliament	Annual	information about its activities and on situation in broadcasting, budgetary issues, Status, Organizational Order	Yes, in yearly report, there is a number of data required	Yes	No	Act 308/2000, § 5
		Ministry of Finance	Annual although this is not explicitly provided.	The Council shall present to the Ministry of Finance its budget proposal for the following year and final budget report together with its justification in accordance with special regulation	Yes, actual spending	Yes	No	Act 308/2000, § 5
		Ministry of Education	Term not mentioned in law. Is on demand.	To provide data on media literacy	No	No	No – this is a new duty	Act 308/2000, § 5
		Ministry of Culture	Term not explicitly mentioned in the law.	To provide data on media literacy and data on advertising in programmes for children up to 12 years	No	No	No – this is a new duty	Act 308/2000, § 5

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Slovakia	Council for Broadcasting and Retransmission	No	Power is given in theory, it is unknown if it has been used	Yes Supreme Audit Office	No	No	Powers of the Supreme Audit Office.
		Yes	Annual	Yes Final budget report Ministry of Finance	No	No	Act 308/2000

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Slovakia	Council for Broadcasting and Retransmission	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Slovakia	Council for Broadcasting and Retransmission	Internal	1	None	No	Legal or natural person	§ 64 Act 308/2000
		External	1	Only appeal to the Supreme Court			

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Slovakia	Council for Broadcasting and Retransmission	√	√		<p>Suspension of the broadcasting of the programme or a part thereof can be appealed but this does not have the dilatory effect.</p> <p>In the case of fine and decision to take away a licence, there is suspension of execution of this decision until the Court's ruling becomes valid.</p>

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Slovakia	Council for Broadcasting and Retransmission	√	√	√	Errors in decision (e.g. petit)

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Slovakia	Council for Broadcasting and Retransmission	1 Supreme Court		√	The appeal body has the power to cancel the decision and remit it back to regulator for new decision. Although the Act does not mention it, even in the case the Supreme Court agrees with the Council, it is still possible to appeal this decision in exceptional cases at the Constitutional Court.

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Slovakia	Council for Broadcasting and Retransmission	No	N/A	Yes	-	No information available

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Slovakia	Council for Broadcasting and Retransmission	List of important events	<ul style="list-style-type: none"> Ministry of Culture Ministry of Education European Commission rightholders broadcasters 	Nothing specified	Nothing specified	Nothing specified	§ 5, Act 308/2000
		Frequency utilisation	<ul style="list-style-type: none"> Telecommunication Authority 		Yes, online		§ 5, Act 308/2000
		Television broadcast of foreign origin	<ul style="list-style-type: none"> European Commission Another Member State Ministry of Culture 		No		§ 5a, Act 308/2000

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Slovakia	Council for Broadcasting and Retransmission	2005-2009	0

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Slovakia	Council for Broadcasting and Retransmission	There are no legal requirements about publication of the decisions of the Council, but the Council publishes all its decisions which imposed fines or other penalties. It also publishes through its internet pages, the periodical press and press agency, a summary of valid licences and registrations for retransmission, the state of use of the frequency spectrum and a summary of free broadcasting frequencies, as well as an overview of providers of AVMS and IPTV.	Yes but for these decisions only. § 5, Act No. 308/2000	Yes, this is part of the licence awarding procedure. There is no obligations for other types of decisions	Act No. 308/2000

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Slovakia	Council for Broadcasting and Retransmission	Telecommunication Office – coordination re frequencies	Act 308/2000 Frequencies allocation	Not officially	

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Slovakia	Council for Broadcasting and Retransmission	<ul style="list-style-type: none"> • EPRA – international forum • Slovak Council is a member of Central European regulatory forum (CERF) 	ACT 308/2000 consultations, conferences, cooperation	